

03-2-325

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Swantner, et al.

Serial No.: 10/759,637

Art Unit: 2833

Filed: 01/16/2004

Examiner: Chung Trans, Xuong My

For: Right Angled Connector

Commissioner for Patents

P.O. Box 1450

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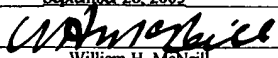
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Sir:

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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September 28, 2005


William H. McNeill

APPEAL BRIEF UNDER 37 C.F.R. 41.37

Applicant(s) hereby present(s) to the Board Of Appeals his/her/their Brief in support of his/her/their Appeal from the decision of the Primary Examiner finally rejecting Claims 1-5, in the above-identified application. Please charge the \$500.00 fee to Deposit Account No. 15-0685. A triplicate of this page is enclosed for Fee purposes.

REAL PARTY IN INTEREST

The real party in interest is OSRAM SYLVANIA Inc., a wholly owned subsidiary of Siemens Corp.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences pending which are related to the instant appeal.

STATUS OF CLAIMS

Claim 6 has been canceled.

Claims 1-5 have been rejected.

Claims 1-5 are appealed. These claims are delineated in the Appendix attached hereto.

STATUS OF AMENDMENTS

All amendments have been entered.

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SUMMARY OF CLAIMED SUBJECT MATTER

The invention relates to coaxial cable connectors 30 and more particularly to right angled coaxial cable connectors 30 for attachment to printed circuit boards 50 (Fig. 3, specification, page 1, lines 3-5). Still more particularly, the invention relates to a greatly simplified right-angled connector having great strength and comprising only three parts; an electrically conductive hollow member 12, an electrical contact 18a mounted within an end 16 of the member 12, and *a single piece*, electrically insulating body 32 that *surrounds* the electrically conductive member and the electrically conductive contact 18a (specification, page 3, paragraphs 0010-0012, and specification pages 4 and 5, paragraphs 0019-0024 and Fig. 3).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Sheesley 4,666,231 and Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sheesley in view of Tanaka 4,556,264.

ARGUMENTS

35 U.S.C. 102

The rejection of the claims under 35 U.S.C. §102(b) is improper and its reversal is respectfully requested.

"Factual determination of anticipation requires disclosure in single reference of every element of claimed invention, and examiner must identify wherein each and every facet of claimed invention is disclosed in applied reference." Ex parte Levy; 17 USPQ2d; PTO Bd of Pat. App. and Int.; October 16, 1990

All of the instant claims require an electrically conductive member with an electrically conductive pin positioned therein and "...a single-piece electrically insulating body *surrounding* said electrically conductive member and said electrically conductive pin..." (Emphasis added).

The term "surrounding" as used in the specification and claims and as shown in the drawings (see Fig. 3 of the subject application) is obviously to be interpreted as meaning that the electrical components are covered by an insulating material except where necessary for electrical connection to be made thereto.

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A review of the Sheesley reference, particularly Figs. 1 and 2 thereof, clearly shows that the electrical contacts (members or pins) are not "surrounded" by an insulating body as required by the claims. Actually, entire sections of the Sheesley contacts 20, 6, and 17 have exposure to the environment, as seen in Fig. 2 of Sheesley. Therefore, a claimed element is lacking in the Sheesley reference that constitutes a clear error in the rejection.

35 U.S.C. 103

Likewise, the rejection of Claim 3 under 35 U.S.C. §103(a) as unpatentable over the combination of Sheesley with Tanaka is based both on a clear legal and factual deficiency.

First, since a claimed element is lacking in the primary reference, the combination of the primary reference (Sheesley) with the secondary reference (Tanaka) must also fail as a combination for that reason alone.

Second, the limitation that is added to the claimed combination by dependent Claim 3 is "...at least two spacing feet and at least one compressible leg." The Examiner admits at paragraph 5 of the Final Rejection that Sheesley does not teach a "compressible leg", but then goes on to say that it would have been obvious to a skilled artisan to provide a compressible leg if one was needed.

To support this position the Examiner cites Tanaka; however, the Office Action does not indicate where in Tanaka a "compressible leg" is taught or even mentioned. Tanaka's connector is for telephones and the only "legs" shown (designated "engaging pieces" at col. 4, lines 18 and 19 and enumerated 16a, and mounting 'legs 18 for attachment to a printed circuit board (col. 4, lines 45-50) are not "compressible", they are resilient and deflectable so that the engaging claws 15a formed on the end thereof can engage the recesses 13a, 13b of the second part of the connector. This is a far cry from the instant teaching of compressible legs.

Further, even assuming, arguendo, that Tanaka teaches compressible legs, the only suggestion for the combination of spacing feet (applicants' item 34) and at least one compressible leg (applicants' item 36) comes from the instant disclosure, and this teaching is not available to the Examiner.

"In determining obviousness of claimed apparatus under 35 U.S.C. 103, it is improper to modify reference in light of applicant's own disclosure." Ex parte Camarata; 151 USPQ 739; PO Bd of App; Mar. 1 and May 17, 1966

It is respectfully submitted that there is no suggestion in the combination of references proposed by the examiner for the combination of "spacing feet" and "compressible leg" of Claim 3 absent the instant specification. The cited art does not even recognize a need for such a combination.

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"Fact that disclosures of references can be combined does not make combination obvious unless the art also contains something to suggest desirability of combination." **In re Imperato**; 179 USPQ 730; CCPA; Nov. 15, 1973.

Accordingly, it is submitted that clear errors exist in the rejection of the claims in this application and the allowance of the claims is earnestly solicited.

Respectfully submitted,



William H. McNeill
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Agent of Record

CLAIMS APPENDIX

1. A connector comprising:
an electrically conductive member having a longitudinal section at least a portion of which provides a cylindrical hollow end;
an electrically conductive pin positioned with respect to said electrically conductive member, a first part of said electrically conductive pin being substantially centrally located within said hollow end; and
a single-piece electrically insulating body surrounding said electrically conductive member and said electrically conductive pin, said electrically conductive member having at least one leg extending in a direction transverse to said longitudinal axis and having a length sufficient to extend beyond a surface of said electrically insulating body.
2. The connector of Claim 1 wherein said connector is a right-angle connector.
3. The connector of Claim 1 wherein said electrically insulating body is provided with at least two spacing feet and at least one compressible leg.
4. The connector of Claim 1 wherein said electrically conductive pin has a second part projecting in a direction transverse to said first part.
5. The connector of Claim 4 wherein said second part of said conductive pin extends beyond a surface of said electrically insulating body.
6. Canceled

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EVIDENCE APPENDIX

No additional evidence has been submitted in this application.

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RELATED PROCEEDINGS APPENDIX

None.